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PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

**NEW UTILITY
PATENT APPLICATION
TRANSMITTAL***(only for new nonprovisional applications under
37 CFR 1.53(b))*

Attorney Docket Number 20852-05134

First Named Inventor Laurence J. Newell

Title Control channel for an optical
communications system utilizing
frequency division multiplexing

Express Mail Label No. EL482717405US

PTO
09/853556
11002 U.S.

05/11/01

APPLICATION ELEMENTS**ACCOMPANYING APPLICATION PARTS**

1. ☒ Fee Transmittal Form (in duplicate)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27
3. ☒ Specification *Total Pages* 36
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference(s) to Related Case(s)
 - Statement Regarding Fed sponsored R & D
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawing(s)
 - Detailed Description
 - Claim or Claims
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. *Total Sheets* 17
113)
5. Oath or Declaration
 - a. ☐ New Declaration *Total Pages*
☐ Executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ Certified Copy of Priority Document(s) *(if foreign priority
is claimed)*
9. ☐ Power of Attorney or Authorization of Agent
10. ☐ 37 CFR 3.73(b) Statement
11. ☐ Preliminary Amendment
12. ☐ Information Disclosure Statement & PTO-1449
☐ Copies of IDS Citation(s)
13. ☐ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form
PTO/SB/35 or its equivalent
14. ☒ Return Postcard
15. ☐
16. ☐
17. ☐

ADDRESS TO:Box Patent Application
Commissioner for Patents
Washington, D.C. 20231**18. If a CONTINUING APPLICATION,** check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

- ☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No: 09/569,761
Prior application information: Examiner: Unassigned Group/Art Unit: 2874
- Also a ☒ Continuation-in-part (CIP) of prior application No: 09/816,242
Prior application information: Examiner: Unassigned Group/Art Unit: Unassigned
- Which is a ☒ Continuation-in-part (CIP) of prior application No: 09/571,349
Prior application information: Examiner: Unassigned Group/Art Unit: 2733

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS**☒ Customer Number and Bar Code
Label

00758

Name (Print/Type)	Michael W. Farn	Registration No. (Attorney/Agent)	41,015
Signature		Date	May 11, 2001

0002/PTO(modified) Rev. 10/2000	U.S. Department of Commerce Patent and Trademark Office	Complete if Known Application Number: Unassigned Filing Date: May 11, 2001 First Named Inventor: Laurence J. Newell Group Art Unit: Unassigned Examiner Name: Unassigned Attorney Docket Number: 20852-05134
FEE TRANSMITTAL TOTAL AMOUNT OF PAYMENT Subtotal (1) + Subtotal (2) + Subtotal (3) = (\$355)		

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																								
1. The Commissioner is hereby authorized to: <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. † <input checked="" type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27 Deposit Account Number: 19-2555 Deposit Account Name: FENWICK & WEST LLP A Duplicate Copy of this authorization is attached 2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other	3. ADDITIONAL FEES <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Large Entity Fee Code/Fee</th> <th style="width: 15%;">Small Entity Fee Code/Fee</th> <th style="width: 50%;">Fee Description</th> <th style="width: 20%;">Fee Due</th> </tr> </thead> <tbody> <tr><td>105/\$130</td><td>205/\$65</td><td>Surcharge - late filing fee or oath</td><td><input type="text"/></td></tr> <tr><td>127/\$50</td><td>227/\$25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td><input type="text"/></td></tr> <tr><td>147/\$2,520</td><td>147/\$2,520</td><td>For filing a request for reexamination</td><td><input type="text"/></td></tr> <tr><td>115/\$110</td><td>215/\$55</td><td>Extension for response within first month†</td><td><input type="text"/></td></tr> <tr><td>116/\$390</td><td>216/\$195</td><td>Extension for response within second month†</td><td><input type="text"/></td></tr> <tr><td>117/\$890</td><td>217/\$445</td><td>Extension for response within third month†</td><td><input type="text"/></td></tr> <tr><td>118/\$1,390</td><td>218/\$695</td><td>Extension for response within fourth month†</td><td><input type="text"/></td></tr> <tr><td>128/\$1,890</td><td>228/\$945</td><td>Extension for response within fifth month†</td><td><input type="text"/></td></tr> <tr><td>119/\$310</td><td>219/\$155</td><td>Notice of Appeal</td><td><input type="text"/></td></tr> <tr><td>141/\$1,240</td><td>241/\$620</td><td>Petition to revive unintentionally abandoned application</td><td><input type="text"/></td></tr> <tr><td>142/\$1,240</td><td>242/\$620</td><td>Utility Issue Fee (Or Reissue)</td><td><input type="text"/></td></tr> <tr><td>143/\$440</td><td>243/\$220</td><td>Design Issue Fee</td><td><input type="text"/></td></tr> <tr><td>122/\$130</td><td>122/\$130</td><td>Petitions to the Commissioner</td><td><input type="text"/></td></tr> <tr><td>126/\$180</td><td>126/\$180</td><td>Submission of Information Disclosure Statement</td><td><input type="text"/></td></tr> <tr><td>179/\$710</td><td>279/\$355</td><td>Request for Continued Examination (RCE)</td><td><input type="text"/></td></tr> <tr><td>581/\$40</td><td>581/\$40</td><td>Recording each patent assignment per property (times number of properties)</td><td><input type="text"/></td></tr> <tr><td>146/\$710</td><td>246/\$355</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td><input type="text"/></td></tr> <tr><td>149/\$710</td><td>249/\$355</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td><input type="text"/></td></tr> <tr><td colspan="3">Other fee (specify):</td><td><input type="text"/></td></tr> <tr><td colspan="3">Other fee (specify):</td><td><input type="text"/></td></tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (3)</td> <td>(\$)-0-</td> </tr> </tbody> </table>	Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	105/\$130	205/\$65	Surcharge - late filing fee or oath	<input type="text"/>	127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	<input type="text"/>	147/\$2,520	147/\$2,520	For filing a request for reexamination	<input type="text"/>	115/\$110	215/\$55	Extension for response within first month†	<input type="text"/>	116/\$390	216/\$195	Extension for response within second month†	<input type="text"/>	117/\$890	217/\$445	Extension for response within third month†	<input type="text"/>	118/\$1,390	218/\$695	Extension for response within fourth month†	<input type="text"/>	128/\$1,890	228/\$945	Extension for response within fifth month†	<input type="text"/>	119/\$310	219/\$155	Notice of Appeal	<input type="text"/>	141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application	<input type="text"/>	142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)	<input type="text"/>	143/\$440	243/\$220	Design Issue Fee	<input type="text"/>	122/\$130	122/\$130	Petitions to the Commissioner	<input type="text"/>	126/\$180	126/\$180	Submission of Information Disclosure Statement	<input type="text"/>	179/\$710	279/\$355	Request for Continued Examination (RCE)	<input type="text"/>	581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	<input type="text"/>	146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))	<input type="text"/>	149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))	<input type="text"/>	Other fee (specify):			<input type="text"/>	Other fee (specify):			<input type="text"/>	SUBTOTAL (3)			(\$)-0-
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* Subtract the greater number of Col. 2

** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3

SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name	Michael W. Farn	Reg. Number	41,015
Signature		Date	May 11, 2001